Some moralists think that natural law is essentially a doctrine of practical reason—the reason concerned with making and doing rather than with contemplation and speculative knowledge—and that practical reason is sufficient to itself apart from metaphysical and theological truth. As a result, natural law frequently is assigned the role of being a common minimal moral lexicon for diverse cultures and legal systems, for religious adherents and nonbelievers alike, in the hope of solving major ethical conflicts without engaging ultimate loyalties. While there is some foundation for these viewpoints, they are misleading.

First, I will briefly address the problem with this view of natural law. Second, I will explain two interrelated aspects of the natural law: its theistic foundation, and the indispensable role of natural teleology—the natural order of ends—for moral analysis. Last, I will provide a suggestion of how these foundational aspects of natural law doctrine are decisive for understanding current and prospective reproductive technologies. In proceeding this way I adopt the view that if we do not stand with the basic premises of the natural law tradition, anyplace we stand will be equally arbitrary, and finally, equally pointless.

Difficulty with the Common Understanding of Natural Law

Natural law is something more profound than a set of rules generated by an autonomous practical moral reason disencumbered of metaphysical truth. By contrast I believe that St. Thomas Aquinas and the larger tradition of Catholic philosophy are correct in teaching that natural law is not merely the product of practical reason but the precondition for its right exercise. Natural law is the normative theo-
logical and metaphysical order that undergirds, makes possible, and flows into our moral logic. Through our practical moral reason we do actively participate in the divine government of our own actions. But the precondition for this active participation is the human mind’s prior knowledge of the right end. This prior knowledge of the end is the root of right appetite, and all practical moral judgment must be conformed to right appetite. St. Thomas Aquinas writes in question nineteen of the prima secundae of the Summa theologiae:

Now in regard to the means, the rectitude of the reason depends on its conformity with the desire of a due end: nevertheless the very desire of the due end presupposes on the part of reason a right apprehension of the end [my emphasis].

Now, any end can only be an end at all insofar as it is ordered to the final end of human striving. As Thomas puts, “whatever man desires, he desires it under the aspect of good. And if he desire it, not as his perfect good, which is the last end, he must, of necessity, desire it as tending to the perfect good.” More bluntly, as Thomas puts it elsewhere: “... the first principle in practical matters, which are the object of the practical reason, is the last end ....” It follows that knowledge of the natural order of ends in relation to the final end (finis ultimus), is essential for the rightness of practical judgment. Without this prior knowledge of the order of ends practical judgment is working in a vacuum.

Were this element of speculative conformity to the truth of nature that lies at the root of practical judgment to be subtracted from it, then practical life would be mindless activism rather than activity toward the known good. A fanatic is sometimes defined as someone who redoubles his effort when he has lost sight of his

1Thomas Aquinas, Summa theologiae, I-II, Q. 19.3, reply 2: “In his autem quae sunt ad finem, rectitudo rationis consistit in conformitate ad appetitum finis debiti. Sed tamen et ipse appetitus finis debiti praesupponit rectam apprehensionem de fine, quae est per rationem.” (Leonine text.)

2Ibid., Q. 1.6, body.: “Man must, of necessity, desire all, whatsoever he desires, for the last end. This is evident for two reasons. First, because whatever man desires, he desires it under the aspect of good. And if he desire it, not as his perfect good, which is the last end, he must, of necessity, desire it as tending to the perfect good, because the beginning of anything is always ordained to its completion; as is clearly the case in effects both of nature and of art.”

3Ibid., I-II, Q. 90.2.

4Cf., Charles de Koninck, “The Principle of the New Order,” in The Aquinas Review, trans. Sean Collins, ed. Ronald P. McArthur, Vol. 4, No. 1 (1997): 73–74: “For political science and prudence are practical in that they direct towards an end in conformity with right reason. But that presupposes that we know in some way the nature of the thing to direct and of the end; which is to say that the rectitude of the practical rule presupposes the rectification of the speculative intellect. Therefore if, per impossibile, practical rule were independent of speculative truth, then what things are or ought to be—man for instance, or the good for man or society—would simply be what we want them to be. Even practical science would no longer be science. Simple practical knowledge would no longer really be practical. All direction would proceed according to chance; it would no longer be direction.”
purpose; but if we do not conform our minds to the reality of the natural order of ends leading up to the the final end, we will be in the odd situation of trying to redouble our effort before we have ever had sight of our purpose or know what effort to make. This is very much the situation of some ethical discourse today, which first insists that truth about nature is not required, or is not knowable, and then is astonished to find itself alone in the vacuole of its own subjectivity.

St. Thomas teaches that practical intelligence itself is merely an extension of speculative or contemplative intelligence into the sphere of action.5 At one moment our knowledge of an object is speculative, while at the next this object may spark desire and move us to enter into a practical consideration. What at one instant is an object of pure contemplation thus later through its accidental relation to our desire becomes the source of an intention moving the practical reason to deliberate further about the means to a contemplated end.6

The role of natural teleology in practical moral judgment also indicates why natural law cannot simply be a tool of minimal social consensus. Granted that we all in principle can know the natural order, the essential problems in moral life are about the ordering of ends. For example, no one doubts that freedom and commitment are each goods or ends—but the normative relation of these goods in a social institution such as marriage is the source of considerable disagreement.

Difficult moral questions implicate our knowledge of natural teleology. But knowing the right order of ends requires us to know the relation of subordinate ends

5Even Fr. Martin Rhonheimer—an important Swiss moral theorist often concerned to vindicate the value of practical reason by comparison with contemplation—acknowledges that there is a speculative adequation of the mind to reality, built into every practical judgment at its foundations. This is a point that Fr. Rhonheimer also makes in his work Natural Law and Practical Reason, tr. Gerald Malsbary (New York: Fordham University Press), 28: “Again, it should be made clear that the practical intellect does not lose its fundamental character of intellectual ‘light’ (lumen). It is only that the speculative (or intellective) apprehensio is directed to a ‘seekable’ (appetible), to a practical judgment. The original speculatio is integrated into the intentional dynamic of seeking (inclinatio naturalis—intentio—electio) through the appetitive condition of this kind of apprehensio: an extensio toward the ‘doable’ (operabile) has taken place.”

6As Thomas approvingly cites Aristotle, “The speculative intellect by extension becomes practical” (Summa theologiae, I, Q. 79, a. 11, sed contra), and further that “to a thing apprehended by the intellect, it is accidental whether it be directed to operation or not, and according to this the speculative and practical intellects differ.” To make things quite patently clear, he writes (ibid., I, Q. 79.11, reply 2.): “the practical intellect knows truth, just as the speculative, but it directs the known truth to operation.” Cf., Thomas Aquinas, ibid., Q. 79, a. 11: “Accidit autem alicui apprehenso per intellectum, quod ordinetur ad opus, vel non ordinetur. Secundum hoc autem differunt intellectus speculativus et practicus. Nam intellectus speculativus est, qui quod apprehendit, non ordinat ad opus, sed ad solam veritatis considerationem: practicus vero intellectus dicitur, qui hoc quod apprehendit, ordinat ad opus” (Leonine text). Cf. also reply 2 of the same question: “… ita Obiectum intellectus practici est bonum ordinabile ad opus, sub ratione veri. Intellectus enim practicus veritatem cognoscit sicut speculativus; sed veritatem cognitam ordinat ad opus” (Leonine text).
to the final end—and this knowledge is only partially and incoherently achievable apart from knowledge of the existence and providence of God. 7 Natural law without God is thus like opera without voices: a contradiction in terms which, were it possible, there still would be no final reason for attending to it.

II. Natural Law, God, and the Order of Ends

This points toward the crucial interrelated roles of natural teleology and the theistic premise for natural law.

All creatures naturally are subject to divine governance. They derive the inclinations to their proper ends from the creative ordering wisdom of God, what Aquinas calls the “impress” of the eternal law. While subrational beings are only passively subject to the divine governance, rational creatures are not only passive recipients of this government but also actively participate in it through the light of reason. Yet this active rational share in our own government presupposes our passive reception of being, nature, and the ordering of nature. Teleological order is passively received, and is impressed on reason as pertaining to human conduct. 8

We first know the natural law because we are subject to it. We do not cause it to be the case that it is contemplation and truth that remedy our confusions and ignorance; that it is friendship that surmounts our loneliness; that our thirst is slaked by so simple a substance as water; or that in justice we owe the Author of our being public worship.

The teleological structuring of nature impressed on our reason provides us with reasons to act and not to act: to do and pursue good—which has the nature of an end—and to avoid evil, which has the nature of a deprivation from the end. Hence St. Thomas writes: “All other precepts of the natural law are based upon this: so that whatever the practical reason naturally apprehends as man’s good (or evil) belongs to the precepts of the natural law as something to be done or avoided.” 9

The natural law is normative only because it is rooted in God in whom absolute being, good, and truth are identified. Nor is this merely a matter of arbitrary divine command—first, because command is formally an act of reason rather than an act of

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7 Inasmuch as natural law is not finally intelligible apart from theistic principles, its content may be accessible to all, but it can be a source of theologically neutral and minimal consensus only when it is left incoherent. In his great work *The Tradition of Natural Law*, the philosopher Yves Simon perhaps put it best. Speaking of certain truths of the moral law that we discover before we naturally discover the existence of God, he states: “from this logical priority in the order of discovery it does not follow that the understanding of natural law can be logically preserved in case of failure to recognize in God the ultimate foundation of all laws.” Yves Simon, *The Tradition of Natural Law*, ed. Vukan Kuic [New York: Fordham University Press, 1992], 62.

8 Hence *Summa theologiae*, I-II, Q. 91.3, reply 2: “Human reason is not, of itself, the rule of things. But the principles impressed on it by nature are the general rules and measures of all things relating to human conduct, of which the natural reason is the rule and measure, although it is not the measure of things that are from nature.”

9 Ibid., Q. 94.2.
the will; second, because the divine will is always conformed to the divine wisdom; third, because the final end is the reason for all other ends as such, and God is the extrinsic final end of the whole universe; fourth, because only the one who absolutely bestows being and nature can properly be said to promulgate the law governing being and nature. Contrary to some misguided teachings, voluntarism — reducing law to divine will — has nothing to do with this proposition.

The natural law thus meets all the critical threshold tests for law: “Law is an ordinance of reason for the common good, promulgated by him who has the care of the community.” The natural law is comprised of precepts or commands of reason, promulgated from the moment of creation by God who has rightful care of the community of being, for the sake of the common good of humanity and of the universe as a whole.

Thus when the crucial moment arrives for Thomas to define the natural law he invariably defines it as a metaphysical and theological doctrine: “the natural law is nothing else than the rational creature’s participation of the eternal law.” This is not an accident since it is the essential character of the natural law that is being defined. Without the theistic premise — minus eternal law — there is no natural law.

Knowledge of the natural hierarchy of ends thus is required in order to generate wisdom about the nature of a good life. As Thomas puts it, “according to the order of natural inclinations, is the order of the precepts of the natural law.” Order: not list. Just as the human organism itself is not a disordered assemblage of parts manifesting no principle of unity, so the good life is not merely a collection of incommensurable and incomparable ends. Were such ends truly incommensurable and incomparable, why then call them ends? We denominate various objects as ends precisely because they share, more or less, in the ratio boni, the nature of the good, all the way up to

10 Cf., ibid., Q. 17.1: “Command is an act of the reason presupposing, however, an act of the will” (“Dicendum quod imperare est actus rationis, praesupposito tamen actu voluntatis”); “command is essentially indeed an act of the reason” (“Impere autem est quidem essentialiter actus rationis”).
11 Ibid., Q. 91.4.
12 Ibid., Q. 91.2.
13 According to Thomas (ibid., II-II, Q. 47.15): “the right ends of human life are fixed” whereas “the means to the end, in human concerns, far from being fixed, are of manifold variety according to the variety of persons and affairs” and this is governed by prudence. While the hierarchy of ends rising to God is a necessary condition of right ethical judgment, it is not a sufficient guarantee of such judgment because prudence about the variable means to the end of a good life—which requires rational government of our passions—is also absolutely required. As Saint Ambrose observes: “first comes that which I may call the foundation of all, namely, that our passions should obey our reason” (see his De officiis ministrorum I, XXIV, 106). Still, the root principle applied to circumstance through the virtue of prudence is always knowledge of the hierarchy of human ends.
14 Some ends by their nature are more desirable than others, just as wisdom is more desirable for a human being than skill at pantomime or dance — without any prejudice to pantomime and dance, which may for some be ordered to wisdom.
the *summum bonum*, the ultimate end of the entire universe, the Supreme Good Who is God.

Natural teleology is truly the dividing point between the high natural law tradition, and the entire modern and postmodern assemblage of ethical rationalists, fideists, skeptics, and nihilists. If Kant, Nietzsche, and Foucault share nothing else, they share this common negation of metaphysical objectivity and of the doctrine that human nature is knowably ordered to ends which have the nature of the good, leading to the *finis ultimus*, the final end and supreme good. On this point the encyclical *Fides et ratio* is instructive. This encyclical teaches that metaphysical objectivity leading to knowledge of God as the ultimate foundation of the moral good is a requirement for knowledge of the moral good. This encyclical affirms

the need for a philosophy of genuinely metaphysical range, capable, that is, of transcending empirical data in order to attain something absolute, ultimate and foundational in its search for truth. This requirement is implicit in sapiential and analytical knowledge alike; and in particular it is a requirement for knowing the moral good, which has its ultimate foundation in the Supreme Good, God Himself.

**III. Reproductive Technologies: Where Do We Stand?**

If we know the order of ends which is the foundation of virtuous conduct, and if we know that God is not only author of the natural moral law, but in a special way the author of rational beings, we will develop reproductive technology that honors, serves, and heals the natural procreative order rather than seeking to supplant or negate it. It is popular to criticize an emphasis upon natural teleology in procreative matters as mere “physicalism” and to contrast this with the authentic good of persons, whose dignity rises above nature. But even to know how to serve rather than

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15 Thomas argues quite forcefully that apart from final causality—the ordering of ends up to the extrinsic common good of the universe who is God—action would be either uninitiable or unceasing. If one thing is not ordered to anything in particular, why should it begin to act at all? If it does, *per impossibile*, begin to act, what reason might be assigned for it ceasing to act? The modern doctrine of efficient causality, taken to be so self-evident, is itself simply unintelligible apart from final causality. How can it be possible for one thing to cause a change of state in another thing? This presupposes some ordering of certain beings, acts, and states of affairs to determinate effects—that ‘a’ is ordered to ‘b’, that there is a natural dynamism in ‘a’ such that it tends toward ‘b’. Etienne Gilson, in his splendid book *From Aristotle to Darwin and Back Again*, trans. John Lyon (Notre Dame, Indiana: Notre Dame Press, 1984), brilliantly discloses how it is that the more systematically contemporary science seeks to throw out the conception of teleology or the ordering of beings to ends, the more it presupposes this very conception. Modern science may abstract from the teleological ordering of nature for methodological purposes, but this proves precisely nothing. The late Henry Veatch was fond of the metaphor of the proofreader: that just as a proofreader can abstract from the meaning of the prose he reads while proofreading, so the student of nature may for methodological purposes abstract from certain aspects of the order of nature. This hardly establishes that there is no order in nature. Of course, the debates swirling around microbiology have brought home these questions of teleology with new and refined force.

16 *Fides et ratio*, n. 83.
harm the dignity of persons we must know that to which they are ordered by nature. A genuine personalist norm presupposes that we know the *per se* ordering of human powers and faculties. When a man breaks his leg, we do not protest the mere physicalism which insists on setting the bone. The higher good of persons is known in relation to human nature, and human nature is not angelic nature but includes bodily teleologies. These teleologies are of central importance for the dignity of the human person as a bodily being.

The natural end of the medical art is to promote and aid bodily health. We know that genetic disease, organic dysfunctions, injuries, and various bacterial and viral plagues can damage or impede the good of human procreation—so we develop technologies, medicines, and strategies to overcome these evils. But as the contraception controversy makes clear, we must be careful not to forget as specialists what we know as human beings. For example, human fertility is not a disease to be overcome, but a natural gift to be cherished.

Medically annulling the ordering of the procreative act toward its end is no more reasonable or befitting human dignity than rebelling against the ordering of the mind to truth by selectively refusing to educate children. It makes no more sense to say with Ted Turner that there are too many children, and therefore we must spread abortifacient contraceptives, than to say that there are too many people, and so Ted Turner should kill himself. Likewise, it is not the role of the medical art to devise literally inhumane paths to conception, derogating the natural unitive good that is ordered to procreation and so turning human life into a therapeutically produced commodity. Suppose it were possible to avoid developing the virtue of temperance by having an electrode placed in the brain to suppress angry emotion: the dehumanization is apparent. This is likewise true of the negation through in vitro fertilization of the essential importance of the unitive good for procreation in marriage. Both the electrode to suppress anger, and the in vitro fertilization in some sense partially achieve the end, but do so deviantly and without regard for the right order of subordinate ends. All these aspects of contemporary reproductive technology engage the “teleological premise” of natural law.

But prenatal screening and consequent abortion of children with “defects,” the development of embryos solely for the purpose of harvesting stem cells or other parts from them prior to their destruction, the prospective cloning of human beings, the genetic engineering of creatures like the much heralded aborted embryo devel-

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17 It is telling that where once great wealth was deployed to manifest the richness of life for the good of the poor, now it is used to induce the poor to alienate themselves from a familial future. Trust in Divine Providence, and in the creative causality of God working through each rational being, has been the historic secret of the First World’s rise to economic and social dominance—a secret and now despised legacy from an earlier Christian culture. We rejected Malthus, and grew rich in the creativity unleashed in doing so. Now our wealthy icons spend their billions to persuade others that it is better to kill their own progeny or at least not to bring new life into this world. How great must be the vacuum of spirit when our Bill Gateses and Ted Turners, seeking a way to redeem their wealth, find only the goal of diminishing the number of human beings rather than unleashing human creativity for the good of all.
oped by an Australian firm, which was ninety-seven percent human and three percent pig, all these more formally engage the theistic root premise of the natural law. Just as we have no original and rightful jurisdiction over the gift of human life, so we have no moral claim to develop partial or “sub” human beings, mutating the species at the expense of some and for the convenience of others.

Perhaps Gilbert Meilander recently said it best: we do not seem to be the sort of people who could be trusted to design future generations even if designing future generations were a desirable thing to do. And if we look to the characteristics most important for future generations, they would be the cardinal virtues and the theological virtues—characteristics that would cause them not to wish to design future generations, nor to substitute their possessive aspirations for the governance of divine providence.

We live in an age typified by real scientific progress. It is ironic that precisely now our contemporaries suffer the most complete state of mental and emotional exhaustion and skepticism about the capacity of the human mind to know reality. Hence, despite the ingenious works of authors who claim to solve moral problems without metaphysical or theological wisdom, the problems quite apparently are getting worse. What we need is precisely what Fides et ratio says is a requirement for knowing the moral good: metaphysical knowledge of God as the summum bonum who is the foundation of the moral good and of the moral law.

Our task is not to find a way to shrink the truth to the point that even a postmodernist can bear it, because that way lies the moral theology and philosophy of the termite. God and moral law are things too large to go incognito into the world of the Alan Dershowitzes in the hope of “fitting in.” Our task is to transform the culture, in part through the vindication of metaphysical objectivity, without which the gospel message and moral law truly are unintelligible. If anyone wants to know what the New Evangelization is: this is a big part of it. Like all Christian things, it is the same wonderful old thing whose novelty is undying. So, naturally, when it comes to reproductive technologies—or anything else—this is where we stand if we wish to stand anywhere at all.